

REMARKS

This Reply and Amendment is intended to be completely responsive to the non-final Office Action. Claims 1-85 are now pending in this Application. Claims 1-4, 8-10, 12-16, 36-38, 45, 52-53 and 57 stand rejected. Claims 18-35 have been allowed. Independent Claims 1 and 36 have been amended and dependent Claims 3, 5, 45-46 and 55-56 have been amended.

The Applicants respectfully request reconsideration of the present Application in view of the foregoing amendments and in view of the reasons that follow.

Allowed/Allowable Subject Matter

In Section 8 of the Office Action, the Examiner stated that Claims 18-35 are allowed.

The Applicants thank the Examiner for the indication of allowable subject matter.

In Section 7 of the Office Action, the Examiner stated that “Claims 5, 11, 17, 39, 40, 46 and 54-56 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.”

Independent Claim 1

Independent Claim 1 has been amended. One of the amendments to Claim 1 includes adding the feature of a “separator device” as previously recited in dependent Claim 5, and dependent Claim 5 has been amended to include the feature of a “third cooling system” previously recited in Claim 1. Dependent Claim 3 has been amended for consistent dependency.

The Applicants respectfully submit that independent Claim 1 (as amended) is now in condition for allowance and respectfully request reconsideration and allowance of independent Claim 1 (as amended) and dependent Claims 2-5 and 8-17 as they depend from independent Claim 1 (as amended).

Independent Claim 36

Independent Claim 36 has been amended. One of the amendments to Claim 36 includes adding the feature of an “over-pressure protection device” as previously recited in dependent Claim 55, and dependent Claim 55 has been amended to include a “standby cooling system” as previously recited in Claim 36. Dependent Claims 45-46 and 56 have been amended for consistent dependency.

The Applicants respectfully submit that independent Claim 36 (as amended) is now in condition for allowance and respectfully request reconsideration and allowance of independent Claim 36 (as amended) and dependent Claims 37-40, 45-46 and 52-56 as they depend from independent Claim 36 (as amended).

Claim Rejections – 35 U.S.C. § 102(b)

In Section 3 of the Office Action the Examiner rejected Claims 1-3, 8, 10, 14-16 and 36-38 as being anticipated by U.S. Patent No. 2,797,068 issued to McFarlan (“McFarlan”) under 35 U.S.C. § 102(b).

Claims 1-3, 8, 10, 14-16

Independent Claim 1 has been amended. Independent Claim 1 (as amended) is directed to a “refrigeration system for providing cooling to a refrigeration device” and requires, in combination with other elements, a “separator device configured to receive the coolant from the refrigeration device and direct coolant in a vapor state to the heat exchanger and direct coolant in a liquid state to the refrigeration device.” A “separator device” as required by Claim 1 (as amended) is not disclosed, taught or suggested by McFarlan and Claim 1 (as amended) is not anticipated by McFarlan.

The Applicants respectfully submit that independent Claim 1 (as amended) is now in condition for allowance and respectfully request reconsideration and allowance of independent Claim 1 (as amended) and dependent Claims 2-5 and 8-17 as they depend from independent Claim 1 (as amended).

Claims 36-38

Independent Claim 36 has been amended. Independent Claim 36 (as amended) is directed to a “refrigeration system” and requires, in combination with other elements, “at least one over-pressure protection device configured to maintain a pressure of the coolant below a predetermined pressure when the primary cooling system is not operational.” An “over-pressure protection device” as required by Claim 36 (as amended) is not disclosed, taught or suggested by McFarlan and Claim 36 (as amended) is not anticipated by McFarlan.

The Applicants respectfully submit that independent Claim 36 (as amended) is now in condition for allowance and respectfully request reconsideration and allowance of independent Claim 36 (as amended) and dependent Claims 37-40, 45-46 and 52-56 as they depend from independent Claim 36 (as amended).

Claim Rejections – 35 U.S.C. § 103(a)

In Section 5 and 6 of the Office Action, the Examiner rejected dependent Claims 4, 8, 9, 12-13, 45, 52, 53 and 57 under 35 U.S.C. § 103(a) as being unpatentable over McFarlan.

Dependent Claims 4, 8, 9 and 12-13 depend from independent Claim 1 (as amended). Dependent Claims 45, 52, 53 and 57 depend from independent Claim 36 (as amended). The Applicants have amended independent Claims 1 and 36 to recite a combination of subject matter that is not disclosed, taught or suggested by McFarlan (as previously described).

The Applicants respectfully submit that independent Claims 1 and 36 (as amended) are now in condition for allowance and that dependent Claims 4, 8, 9, 12-13, 45, 52, 53 and 57 are now also in condition for allowance (see 35 U.S.C. § 112 ¶ 4).

The Applicants respectfully request reconsideration and allowance of dependent Claims 4, 8, 9, 12-13, 45, 52, 53 and 57.

* * *

The Applicants respectfully submit that each and every outstanding rejection to the pending claims has been overcome, and that the Application is in condition for allowance. Claims 18-35 were previously allowed. Independent Claims 1 and 36 have been amended and dependent Claims 3, 5, 45-46 and 55-56 have been amended. The Applicants respectfully request reconsideration and allowance of pending Claims 1-5, 8-17, 36-40, 45-46 and 52-57.

The Examiner is invited to contact the undersigned by telephone if the Examiner believes that a telephone interview would advance the prosecution of the present Application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this Application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 06-1447. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 06-1447. If any extensions of time are needed for timely acceptance of papers submitted herewith, the Applicants hereby petition for such extension under 37 C.F.R. § 1.136 and authorizes payment of any such extensions fees to Deposit Account No. 06-1447.

Respectfully submitted,

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